

Attorney Docket No. P32510C1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hickey et al.

Serial No.: 10/694,561 Group Art Unit No.: 1624

Filed: 27 October 2003 Examiner: D. RAO

For: Novel Compounds

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Petitioner, SmithKline Beecham plc, of Brentford, Middlesex UK, represents that it is the assignee of all title and interest in United States Patent Application Serial No. 10/694,561, filed on 27 October 2003 for "Novel Compounds", which is a divisional of 10/357,238 now patent 6,649,619 filed 3 February 2003 which is a continuation of 09/782,930 filed 14 February 2001 (now abandoned) which claims the benefit of priority from GB Application No. 0101437.2 filed 14 February 2001 and 0003636.8 filed 16 February 2000, by virtue of the assignment in said United States Patent Application Serial No. 10/030,661, said assignment being duly recorded at Reel 012088/0732 and Frame 0732 in the United States Patent and Trademark Office on 15 August 2001.

Petitioners submit that the evidentiary documents have been reviewed and certify to the best of their knowledge and belief that title is in the Petitioner seeking to take this action.

Petitioner, SmithKline Beecham p.l.c., hereby disclaims except as provided below, the terminal part of any patent granted on the above-identified application USSN 10/694,561 which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 and §156 of U.S. Patent No. 6,649,619 forming the basis of the double patenting rejection, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,649,619. This terminal disclaimer shall run with any patent granted on the above-identified application and shall be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on application Serial No. 10/694,561 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, U.S. Patent No. 6,649,619, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

This disclaimer shall not be effective against any patent term extensions obtained under 35 U.S.C. §156 for any patent granted on the above-identified application.

The Undersigned represents that I am an attorney of record in this application.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge the required fee of \$110.00 to Deposit Account No. 19-2570. Please charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 19-2570.

Respectfully submitted

/JamesM Kanagy/
James M. Kanagy
Attorney of Record
Registration No. 29,550

GLAXOSMITHKLINE
Corp. Intellectual Property-U.S.
P.O. Box 1539
King of Prussia, PA 19406-0939
(610) 270-5014 - telephone
(610) 270-5090 - facsimile